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UNITED STATES DISTRICT COURT
 CENTRAL DISTRICT OF CALIFORNIA
CRIMINAL MINUTES - GENERAL

Case No.: CR04-108(B)-SVW

Date: January 31, 2005

PRESENT: THE HONORABLE STEPHEN V. WILSON, U.S. DISTRICT JUDGE

<u>Paul M. Cruz</u>	<u>Mark Schweitzer</u>	<u>N/A</u>	<u>Beong-Soo Kim</u>
Deputy Clerk	Court Reporter/ Recorder/Tape#	Interpreter	Asst. U. S. Attorney

USA v. (DEFENDANTS PRESENT):

ATTORNEYS PRESENT FOR DEFENDANTS:

(1) <u>Johnny Wilkes</u>	(1) <u>Angela Parrott, DFPD</u>
custody <u>X</u> bond _____ O/R _____	<u>X</u> appointed _____ retained _____

SENTENCE:

X REFER TO JUDGMENT AND PROBATION/COMMITMENT ORDER (attached hereto) or
 SEE BELOW.
 Imprisonment for _____ on each of count(s) _____ Count(s) _____ concurrent/consecutive
 to count(s) _____ Fine of \$ _____ is imposed on each of count(s) _____ Execution _____
 Imposition of Sentence as to imprisonment only suspended on counts _____
 Imposition of fine suspended on count(s) _____
 Confined in a jail-type institution for _____ to be served on consecutive _____ from
 _____ to _____, commencing _____ to _____, and thereafter until the jail-type sentence
 has been completed; _____ months/years _____ SUPERVISED RELEASE _____ PROBATION imposed
 on count(s) _____ consecutive/concurrent to count(s) _____ under the usual terms and
 conditions (see back of Judgment/Commitment Order) and the following additional terms
 and conditions, under the direction of the Probation Office:
 Perform _____ hours of community service.
 Serve _____ in a CCC/CTC.
 Pay \$ _____ fine in amounts and times determined by P/O.
 Make \$ _____ restitution in amounts and times determined by P/O.
 Participate in a program for treatment of narcotic/alcohol addiction.
 Pay any fine, assessment or costs imposed by this sentence & that remains unpaid at
 commencement of community supervision.
 Comply with the rules/regulations of INS, if deported not return to U.S.A. illegally
 and upon any reentry during period of supervision report to the nearest P/O within 72
 hours.
 OTHER CONDITIONS: _____
 Pursuant to Section 5E1.2(f), all fines are waived, including costs of imprisonment and
 supervision. The Court FINDS the defendant does not have the ability to pay.
 Pay \$ _____, per count, special assessment to the United States for a total of
 \$ _____.
 Imprisonment for _____ and for a study pursuant to 18 USC _____ with results to be
 furnished to the Court within _____, not later than _____, whereupon the sentence
 shall be subject to modification. This matter is set for further hearing on _____
 _____ On Government's motion, all remaining count(s)/underlying indictment/information,
 ORDERED dismissed.
 Defendant informed of right to appeal.
 ORDER sentencing transcript for Sentencing Commission. _____ FILED statement of
 reasons.
 Bond exonerated _____ upon surrender _____ upon service of _____
 Execution of sentence is stayed until 12 noon, _____ at which
 time the defendant shall surrender to the designated facility of the Bureau of Prisons
 or, if no designation made, to the U.S. Marshal, Los Angeles.
 Defendant ORDERED remanded to/released from custody of U.S. Marshal forthwith.
 Issued remand/release # _____
 Present bond to continue as bond on appeal.
 Appeal bond set at \$ _____
X FILED and distributed judgment. Issd JS-3. ENTERED.

ENTERED 11 AM
 FEB 11 2005
 DCM
 126
 Initials of Deputy Clerk *PK*

**United States District Court
Central District of California**

UNITED STATES OF AMERICA vs.

Docket No. CR04-108(B)-SVWDefendant Johnny WilkesSocial Security No. 562-45-0491; 562-46-0491; 562-45-0492

akas: _____

Residence 4322 S. Victoria
Address Los Angeles, CA 90008Mailing Address Same

JUDGMENT AND PROBATION/COMMITMENT ORDER

In the presence of the attorney for the government, the defendant appeared in person on this date.

MONTH	DAY	YEAR
01	31	2005

COUNSEL☒ WITH COUNSELAngela Parrott, DFPD

(Name of Counsel)

PLEA☐ GUILTY, and the court being satisfied that there is a factual basis for the plea.☐ NOLO
CONTENDERE☐ NOT
GUILTY**FINDING**There being a finding/verdict of ☒ GUILTY, defendant has been convicted as charged of the offense(s) of:**Possession of Goods Stolen from Interstate Commerce in violation of 18 USC 659 as charged in the Indictment****JUDGMENT
AND PROB/
COMM
ORDER**

The Court asked whether defendant had anything to say why judgment should not be pronounced. Because no sufficient cause to the contrary was shown, or appeared to the Court, the Court adjudged the defendant guilty as charged and convicted and ordered that: Pursuant to the Sentencing Reform Act of 1984, it is the judgment of the Court that the defendant is hereby committed to the custody of the Bureau of Prisons to be imprisoned for a term of: **TEN (10) MONTHS**

This term consists of ten (10) months on Count One of the Two-Count Second Superseding Indictment.

Upon release from imprisonment, the defendant shall be placed on supervised release for a term of three (3) years under the following terms and conditions:

1. The defendant shall comply with the rules and regulations of the U.S. Probation Office and General Order 318;
2. The defendant shall perform 100 hours of community service, as directed by the Probation Officer; and
3. During the period of community supervision the defendant shall pay the special assessment and restitution in accordance with this judgment's orders pertaining to such payment;

It is ordered that the defendant shall pay restitution in the total amount of \$10,000 pursuant to 18 USC 3663A.

The amount of restitution ordered shall be paid to each payee listed on the attachment to this judgment. Each payee shall receive a payment equal to their percentage of the total loss amount unless another priority order or percentage payment is specified in this judgment.

Restitution shall be due during the period of imprisonment, as directed by the Court or the United States Attorney, except those payments made through the Bureau of Prisons' Inmate Financial Responsibility Program. If any amount of the restitution remains unpaid after release from custody, nominal monthly payments of \$300 shall be made during the period of supervised release. These payments shall begin 30 days after the commencement of supervision. Nominal restitution payments are ordered as the court finds that the defendant's economic circumstances do not allow for either immediate or future payment of the amount ordered.

It is further ordered that the defendant surrender himself to the institution designated by the Bureau of Prisons on or before 12 noon, March 2, 2005. In the absence of such designation, the defendant shall report on or before the same date and time, to the United States Marshal located at: United States Court House, 312 North Spring Street, Los Angeles, California 90012.

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The Court recommends to the Bureau of Prisons that the defendant be designated to a facility in the Southern California area.

The Court grants the governments request to dismiss the underlying Indictment.

Bond is exonerated upon self-surrender.

SCANNED

In addition to the special conditions of supervision imposed above, it is hereby ordered that the Standard Conditions of Probation and Supervised Release within this judgment be imposed. The Court may change the conditions of supervision, reduce or extend the period of supervision, and at any time during the supervision period or within the maximum period permitted by law, may issue a warrant and revoke supervision for a violation occurring during the supervision period.


☐ This is a direct commitment to the Bureau of Prisons, and the Court has NO OBJECTION should the Bureau of Prisons designate defendant to a Community Corrections Center.

2/9/05
Date


STEPHEN V. WILSON, U. S. District Judge

It is ordered that the Clerk deliver a copy of this Judgment and Probation/Commitment Order to the U.S. Marshal or other qualified officer.

2/10/05
Filed Date

Sherri R. Carter, Clerk
By 
Paul M. Cruz, Deputy Clerk

1111

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SCANNED

The defendant shall comply with the standard conditions that have been adopted by this court (set forth below). The defendant shall comply with the additional conditions on the attached page(s) pursuant to General Orders 318 and 01-05.

STATUTORY PROVISIONS PERTAINING TO PAYMENT AND COLLECTION OF FINANCIAL SANCTIONS

The defendant shall pay interest on a fine or restitution of more than \$2,500, unless the court waives interest or unless the fine or restitution is paid in full before the fifteenth (15th) day after the date of the judgment pursuant to 18 U.S.C. §3612(f)(1). Payments may be subject to penalties for default and delinquency pursuant to 18 U.S.C. §3612(g). Interest and penalties pertaining to restitution, however, are not applicable for offenses completed prior to April 24, 1996.

If all or any portion of a fine or restitution ordered remains unpaid after the termination of supervision, the defendant shall pay the balance as directed by the United States Attorney's Office. 18 U.S.C. §3613.

The defendant shall notify the United States Attorney within thirty (30) days of any change in the defendant's mailing address or residence until all fines, restitution, costs, and special assessments are paid in full. 18 U.S.C. §3612(b)(1)(F).

The defendant shall notify the Court through the Probation Office, and notify the United States Attorney of any material change in the defendant's economic circumstances that might affect the defendant's ability to pay a fine or restitution, as required by 18 U.S.C. §3664(k). The Court may also accept such notification from the government or the victim, and may, on its own motion or that of a party or the victim, adjust the manner of payment of a fine or restitution-pursuant to 18 U.S.C. §3664(k). See also 18 U.S.C. §3572(d)(3) and for probation 18 U.S.C. §3563(a)(7).

Payments shall be applied in the following order:

1. Special assessments pursuant to 18 U.S.C. §3013;
2. Restitution, in this sequence:
 - Private victims (individual and corporate),
 - Providers of compensation to private victims,
 - The United States as victim;
3. Fine;
4. Community restitution, pursuant to 18 U.S.C. §3663(c); and
5. Other penalties and costs.

SPECIAL CONDITIONS FOR PROBATION AND SUPERVISED RELEASE

As directed by the Probation Officer, the defendant shall provide to the Probation Officer: (1) a signed release authorizing credit report inquiries; (2) federal and state income tax returns or a signed release authorizing their disclosure and (3) an accurate financial statement, with supporting documentation as to all assets, income and expenses of the defendant. In addition, the defendant shall not apply for any loan or open any line of credit without prior approval of the Probation Officer.

The defendant shall maintain one personal checking account. All of defendant's income, "monetary gains," or other pecuniary proceeds shall be deposited into this account, which shall be used for payment of all personal expenses. Records of all other bank accounts, including any business accounts, shall be disclosed to the Probation Officer upon request.

The defendant shall not transfer, sell, give away, or otherwise convey any asset with a fair market value in excess of \$500 without approval of the Probation Officer until all financial obligations imposed by the Court have been satisfied in full.

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STANDARD CONDITIONS OF PROBATION AND SUPERVISED RELEASE

While the defendant is on probation or supervised release pursuant to this judgment:

1. The defendant shall not commit another Federal, state or local crime;
2. the defendant shall not leave the judicial district without the written permission of the court or probation officer;
3. the defendant shall report to the probation officer as directed by the court or probation officer and shall submit a truthful and complete written report within the first five days of each month;
4. the defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer;
5. the defendant shall support his or her dependants and meet other family responsibilities;
6. the defendant shall work regularly at a lawful occupation unless excused by the probation officer for schooling, training, or other acceptable reasons;
7. the defendant shall notify the probation officer within 72 hours of any change in residence or employment;
8. the defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any narcotic or other controlled substance, or any paraphernalia related to such substances, except as prescribed by a physician;
9. the defendant shall not frequent places where controlled substances are illegally sold, used, distributed or administered;
10. the defendant shall not associate with any persons engaged in criminal activity, and shall not associate with any person convicted of a felony unless granted permission to do so by the probation officer;
11. the defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view by the probation officer;
12. the defendant shall notify the probation officer within 72 hours of being arrested or questioned by a law enforcement officer;
13. the defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court;
14. as directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics, and shall permit the probation officer to make such notifications and to conform the defendant's compliance with such notification requirement;
15. the defendant shall not possess a firearm or other dangerous weapon;
16. the defendant shall, upon release from any period of custody, report to the probation officer within 72 hours.

These conditions are in addition to any other conditions imposed by this judgment.

RETURN

I have executed the within Judgment and Commitment as follows:

Defendant delivered on _____ to _____

Defendant noted on appeal on _____

Defendant released on _____

Mandate issued on _____

Defendant's appeal determined on _____

Defendant delivered on _____ to _____

at _____

the institution designated by the Bureau of Prisons, with a certified copy of the within Judgment and Commitment.

United States Marshal

By _____

Date _____

Deputy Marshal

CERTIFICATE

I hereby attest and certify this date that the foregoing document is a full, true and correct copy of the original on file in my office, and in my legal custody.

Clerk, U.S. District Court

By _____

Filed Date _____

Deputy Clerk